

Notice of Allowability

Application No.

10/074,362

Applicant(s)

TUFTE, BRIAN N.

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment After Final filed November 17, 2003.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 04 June 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian N. Tufte on December 19, 2003.

2. The application has been amended as follows:

CLAIM 1: An elongated carrier having a cavity for receiving an elongated bumper member, the elongated carrier comprising:

one or more walls, the one or more walls having inner surfaces that are adapted to define at least part of a cavity;

a slot extending into the cavity defined by two terminating end[s] of the one or more walls, the two terminating ends surfaces being separate from the inner surfaces of the one or more walls;

a nub extending into the cavity from at least one of the one or more walls, the nub being ~~separate from the two terminating ends~~ defined by one or more of the inner surfaces of the one or more walls, and the slot not being defined or substantially defined by the nub.

CLAIM 11: An elongated rub-rail, comprising:

an elongated carrier, the elongated carrier having one or more walls, wherein the one or more walls include one or more inner surfaces that define at least part of a cavity;

a slot extending into the cavity defined by at least two terminating ends of the one or more walls, wherein each of the two terminating ends is defined by a terminating end surface separate from the one or more inner surfaces of the one or more walls, wherein at least one of the inner surfaces of the one or more walls [has] defines at least one an inwardly extending nub, the slot not defined or substantially defined by the at least one inwardly extending nub; and

an elongated bumper member, at least part of the elongated bumper member positioned in the slot and having an outer surface that is shaped to accept the at least one nub of the elongated carrier.

CLAIM 14: An elongated carrier having a cavity for receiving an elongated bumper member, the elongated carrier comprising:

a back member having a first end and a second end;

a first support leg extending outward from at or near the first end of the back member, the first support leg having a thickness and an inner surface;

a second support leg extending outward from at or near the second end of the back member, the second support leg having a thickness and an inner

surface, the inner surface of the first support leg, the inner surface of the second support leg and the back member defining at least part of the cavity;

a terminating end of the second support leg defined by a terminating end surface separate from the inner surface of the second support leg, and a terminating end of the first support leg defined by a terminating end surface separate from the inner surface of the first support leg, the terminating end surface of the second support leg and the terminating end surface of the first support leg being spaced from one another to form a slot therebetween; and

the inner surface of the first support leg [having] defining an inwardly extending nub, the slot not being defined or substantially defined by the nub.

Allowable Subject Matter

3. Claims 1-20 are allowed.

4. The following is an examiner's statement of reasons for allowance:

An elongated carrier for receiving an elongated bumper member, the carrier having one or more walls defining a cavity, and a slot defined by the terminating ends of the walls. A nub formed by the inner surfaces of the walls, extends into the cavity from at least one of the one or more walls. The slot is not defined, or substantially defined, by the nub.

No prior art was found teaching individually, or suggesting in combination, all of the features of the applicants' invention, specifically the slot being defined by the terminating ends surfaces of the legs and not by, or substantially by, the nubs.

Newman (U.S. Pat. 3,359,030) discloses a bumper guard assembly having an elongated carrier member for receiving a bumper. The carrier member including a pair of nubs for securing the bumper into a slot defined by the two surfaces forming the nubs.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2875

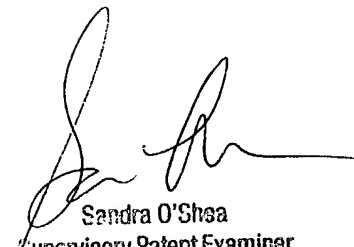
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (703) 308-6086 . The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

After January 13, 2004, the Examiner's telephone number will be changed to (571) 272-2376.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (703) 305-4939, or (571) 272-2378 after January 12, 2004. The facsimile machine number for the Art Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800

Inr

December 19, 2003